



Docket No.: 392.1839

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Atsushi MORI

Serial No. 10/715,124

Group Art Unit: 1725

Confirmation No. 2758

Filed: November 18, 2003

Examiner: Maria Alexandra Elve

For: LASER MACHINING APPARATUS

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that some of the claims were allowed based on certain features.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

On page 2 of the Notice of Allowability, the Examiner takes the position that the Prior Art does not teach "a laser machining apparatus which specifically has a controller having a timing data generating unit..." It is submitted that the Examiner's statement is not applicable to all claims. By way of example and not limitation, claim 10 is a method claim, which does not recite a controller. In addition, the Examiner's statement appears to have italicized certain words thereby inappropriately emphasizing certain features of claim 1. As such, it is submitted that the Examiner's statement is not a suitable reason for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

Jan. 4, 2006



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